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[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2611

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/363,073	AKHAVAN ET AL.
	Examiner Vivek Srivastava	Art Unit 2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 December 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 and 20-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 and 20-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

18) Interview Summary (PTO-413) Paper No(s) _____

19) Notice of Informal Patent Application (PTO-152)

20) Other: _____

Detailed Action

Claim Rejections - 35 U.S.C. § 102

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 20 - 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Noguchi et al (6,034,677).

Considering claim 20, Noguchi discloses a displaying EPG programming information (fig 13) and displaying a broadcast video 1310 in display portion 1320 (see fig 13, col 8 lines 63-67), note: the broadcasted video is inherently comprises of a plurality of frames. Further, Noguchi discloses simultaneously with video 1310 the display of EPG panel or first panel (see EPG programming on lower half of screen in fig 13) and a second panel or a descriptive panel (see upper right panel in fig 13) which depicts details of the program including station and time range 1356 which meets the claimed "displaying simultaneously with said video, at the selection of a user, and selected one of (i) a first panel; (ii) a second panel or (iii) a first panel and second panel". A user interface (see remote control in fig 4) is provided with a "guide" key enabling selection and display of the EPG screen in figure 13. The first panel in Noguchi has an associated time range (see fig 13 - 7:07 pm, 7:00 pm, 7:30 pm and 8:00 pm) and an associated

channel range of 256, 212, 233, 202, and 980 (see fig 13) and a plurality of program blocks 1380 (see col 13 lines 33-40, the blocks meet the "records" limitation) wherein each of the blocks has an associated time period, an associated channel and program content information including a program title. In particular, block 1380 in figure 13 depicts 'National Geographic Explorer' (or program content information), as associated time range of 7:00 pm to 8:00 pm and associated channel 233. The second or descriptive panel in Noguchi (panel on the upper left corner of fig 13) has information from only one block or record, in particular, information regarding 'National Geographic Explorer'. Further, by user the remote control and navigational keys depicted in figure 13, the first panel or EPG grid and second panel or detailed description of the programming can be selectively browsable to different time or channel ranges in response to a second signal from a user interface.

Considering claim 21, Noguchi discloses an EPG which shows the associated time periods, associated channels and the program titles of the plurality of records over the associated time and channel ranges (see fig 13, 15, 20). Note: the associated time periods are arranged on the horizontal axis above the EPG grid and the associated channels are located along the vertical axis to the right of the EPG grid. The plurality of records are met by the blocks and cells of the EPG grid each of which has an associated time and channel.

Considering claim 22, Noguchi discloses a second panel which is located in the upper right side in figure 13. The second panel depicts program content with respect to National Geographic Explorer.

Considering claim 23, Noguchi discloses the claimed where the first panel is an EPG grid over associated time and channel ranges, wherein the EPG grid contains a plurality of cells, each cell displays an associated program title of a record and occupies a position on the grid

that corresponds with the channel time period associated with the record (see fig 13, col 9 lines 5-34).

Considering claim 24, Noguchi discloses a second or descriptive panel which is displayed when a user selects a record displayed in the first panel (see fig 13). In particular, as the user navigates and selects records, like the National Geographic Explorer record in the EPG grid, the associated descriptive information is displayed in the second panel (panel in the upper right of figure 13).

Considering claim 25, the second panel (locate in the upper right side of fig 3) displays details of the National Geographic Explorer associated with the record selected (item 1380 in fig 13) in the EPG grid.

Considering claim 27, Noguchi depicts in fig 8 that the second panel 830 overlaps with the video 840 and thus discloses the claimed "where the video and second panel have overlapping dimensions on the display".

Claim Rejections - 35 U.S.C. § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

IV. Claims 1-5, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (6,151,059) in view of Lemmons et al (6,266,814).

Regarding claim 1, Schein discloses displaying a video, comprising a plurality of frames, on a portion of a display (col 4 lines 53 - 59, fig 1 and fig 7), displaying a first panel (col 4 lines 20 - 30, fig 1, fig 7, panel met by program matrix grid 108) in response to a first signal from a user interface (col 10 lines 52 - 61, col 11 line 44 - col 12 line 36, user interface met by remote control), first panel being displayed on another portion of the display simultaneously with video (fig 7), first panel containing information from at least one of a plurality of records (col 4 lines 19 - 30, fig 7, plurality of records met by cells which make up a particular program), records containing programming information (fig 7 - cells in grid contain television programs), each of the records having an associated time and an associated channel (fig 7 - each cell has an associated channel and time i.e. 7:00 pm, 7:30 pm), first panel displaying on display an associated time range from a first time to a second time and associated range of channels (fig 7 - program matrix grid has a time range from first time 7:00 pm to second time 7:30 pm and range of channels 4 - 11); note 7:00 pm is the earliest time displayed and 8:00 pm is the latest time displayed, selecting a first icon in response to a second signal from a user interface (col 11 line 45 - col 12 line 36, user scrolls and selects right zone icon 230). Schein further discloses selecting records including a first record by scrolling horizontally and through the cells (see col 3 lines 61 – col 4 line 19). Schein also discloses displaying simultaneously with video a second panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230, another panel or grid is displayed with video), second panel having an associated time range that is different than the associated time range of the first panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230, another panel or grid is displayed, displaying programs half-hour later i.e. with a different time range 7:30 pm - 8:00 pm), the second panel having an associated range of channels that is

the same as the associated range of channels of the first panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230 to display future programs in a different time range, channels must inherently remain the same so the user can see the future programs on the particular channel after scrolling and since the user is scrolling to the right and not scrolling down). Further, by selecting the right zone scroll in Schein the EPG is advanced or scrolled in chronological time by $\frac{1}{2}$ hr (see col 11 lines 48-57), thus if a first panel displaying a time range of 7:00 pm and including 7:30 pm (see fig 7) is scrolled in the $\frac{1}{2}$ hr in chronological time, the new second panel will display a time range starting at 7:30 pm and will include 8:00 pm, note: 7:30 is the earliest time displayed and 8:00 pm is the latest time displayed. Thus Schein discloses the claimed "the second panel having an associated time range from a third time to a fourth time where the third time is the same as the second time" (the first time is 7:00 pm, the second time is 7:30 pm, the third and fourth time, which is the result of scrolling, is 7:30 pm and 8:00 pm respectively).

Schein discloses advancing the EPG in chronological time, thus displaying a EPG grid with a different time range, by selecting an icon in response to signals from a user remote. Referring to figure 7, when a user selects icon 230, the time panel changes by advancing in chronological time by 1 hour by displaying programming and records which are in a different associated time range i.e. from 8:00 pm to 8:30 pm. Thus everytime a user selects time bar 230, the EPG advances 1 hour showing panels and records with a different associated time range with each selection. Schein fails to disclose selecting a second record in response to a third signal from a user interface, where second record has an associated time and an associated channel, where associated time of second record is outside of associated time range and in response to selecting a second record, displaying with video a second panel.

Lemmons teaches advancing an EPG in chronological time by actively selecting a record, wherein each time a user selects a record by depressing a right arrow key, the EPG

advances in chronological time thus changing the associated time of the record. Lemmons specifically teaches by continuously pressing the right arrow key on the user interface (i.e. generating a first signal, second signal etc.) additional program titles for later time periods can be displayed (col 21 lines 52 - 67). As later time records and panels are displayed, the associated time range changes.

It would have been obvious selecting the actual record by generating a first signal, second signal etc. in the EPG of Schein would have provided a simpler means for advancing the EPG in chronological time to show panels and records with different time ranges and would have obviated the need for special icon 230 for advancing the EPG. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schein to include selecting the first and second record as claimed to provide a simpler EPG system which does not need a special icon to advance the EPG.

Considering claim 2, the combination of Schein and Lemmons discloses the claimed wherein the associated time range from the first time to the second time encompasses the entire first panel and the associated time range from the third time to the fourth time encompasses the entire second panel (note: the first panel has a time range from 7:00 pm to 7:30 and the second panel has time range from 7:30 to 8:00 pm as discussed in claim 1).

Considering claim 3, Schein discloses the claimed first and second panels are EPG grids (fig 7, col 11 lines 49 - 57, second panel matrix grid is displayed when user scrolls right zone 230 to view later programs displaying a different panel with respect to programs and program times) , each EPG grid containing a plurality of cells (fig 7), and cells containing information from records (fig 7, cells contain program records).

Considering claim 4, Schein discloses inherently discloses the claimed first panel is removed from the display before the second panel is displayed since a second panel can only be viewed if the first panel is removed (fig 11, fig 12, col 11 line 66 - col 12 line 36).

Considering claim 5, Schein discloses the step of displaying at least one of another information banner and another EPG grid (fig 11, fig 12, col 11 line 45 - col 12 line 36, user can scroll another half hour to display an EPG grid or can select another banner for another show at another time).

Considering claim 7, Schein discloses wherein the records are digitally transmitted with the video (col 10 lines 4 - 14, col 5 lines 7 - 17).

Considering claim 8, Schein discloses a remote control for a television (col 3 line 56 - col 4 line 4).

Considering claim 10, Schein discloses programming a video recorder to record the selected record (col 5 lines 59 - 63, col 10 lines 62 - 67, col 13 lines 13 - 63).

V. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Lemmons as applied to claim 1 above, and further in view of Doherty et al (5,999,227).

Considering claim 6, Schein and Lemmons fail to disclose the claimed display is a digital television. Doherty teaches a digital television has several advantages including the reduction of artifacts, increases resolution, and better overall clarity (col 1 lines 14 - 19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Schein and Lemmons to include a digital television to provide a better quality displayed image.

VI. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Lemmons as applied to claim 1 above, and further in view of Berezowski (6,064,376).

Considering claim 9, Schein and Lemmons fail to disclose the claimed wherein each of first and second panels comprise a minor portion of the display.

Schein discloses displaying a program guide panel and a video simultaneously. Berezowski teaches a need may arise to display a large video with a minor portion of the display dedicated to a program guide panel and that displaying a larger image avoids distortion due to compression (col 6 lines 50 - 55, col 7 lines 18 - 48). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Schein and Lemmons to include displaying the first and second panel on a minor portion of the display to provide a larger image with less distortion due to compression.

VII. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi et al (6,034,677).

Considering claim 26, Noguchi discloses the video and second panel have overlapping dimensions (see figure 8). It would have been obvious including the first and second panel with overlapping displays would have provided a more prominent display of the panel the viewer chooses to view. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed first and second panel with overlapping dimensions to provide a more prominent display of the panel the viewer chooses to view by placing the selected panel on top of the other.

VIII. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi in view of Matthews, III et al (previously cited).

Considering claim 28, Noguchi discloses two separate panels but fails to disclose the panels are simultaneously displayed and independently browsable. Matthews discloses a two panels on an EPG screen (see fig 7), wherein one panel is a descriptive panel and the second panel is the EPG grid. Matthews teaches the descriptive panel is browsable by selecting "MORE" and that the EPG is browsable by moving the cursor which highlights cells. It would have been obvious providing a browsable second panel in the descriptive panel in Noguchi would have provided a user with even further information of description of a program and would have provided additional navigational capabilities. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed limitations to provide a user with the ability to retrieve additional information in the second panel while providing additional navigational capabilities by being able to browse the second panel independent of the first panel.

Response to Arguments

Applicant argues that Noguchi et al always displays the first and second panels simultaneously, i.e., it does not permit the first and second panels to be displayed independently of each other.

The Examiner respectfully submits that the claim fails to recite displaying the first and second panels independently of each other. As a result, the Applicant's arguments are not persuasive.

Applicant argues that Noguchi fails to disclose claim 20 as amended, in particular, "displaying simultaneously with said video, at the selection of a user, any selected one of (i) a first panel; (ii) a second panel; or (iii) a first panel and second panel in response to at least one signal from user interface...". Further Applicant argues that this limitation is not disclosed by Noguchi, et al, where a user may not choose any selected one of those three options, but instead may only elect the third option, i.e. a first panel and a second panel.

The Examiner respectfully submits that the claim limitation is in the alternative and that to meet the claimed limitation the reference needs to meet either displaying a first panel with the video OR displaying a second panel with the video OR displaying first and second panel with the video. Since Noguchi clearly discloses displaying the first and second panel with the video, Noguchi clearly teaches the claimed limitation.

Regarding claim 26, Applicant disagrees that it would have been obvious to overlap the displays of the first panel and the second panel. Further applicant argues that since the first and second panel in Noguchi are displayed simultaneously and it only makes sense to overlap if the panels may appear independently on the display.

The Examiner respectfully disagrees with Applicants and maintains it would have been obvious to modify Noguchi to include this feature. As a result, the Applicant's arguments are not persuasive.

Applicant argues that the second panel of Matthews is not independently browsable to "different time or channel ranges" as claimed in dependent claim 28.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The combination of Noguchi and

Matthews discloses the claimed limitation. Noguchi discloses a first and second panel which is browsable do different time or channel ranges. Matthews teaches independently browsing the a first and second panel.

Applicant argues that amended independent claim 1 is allowable and argues the claimed first panel contains a time range that is inclusive of every time displayed on the display in response to a first signal. Independent claim 1 is therefore patentably distinguishable over the combination of Schein, et al and Lemmons et al.

The Examiner respectfully disagrees. The first panel has a time range of 7:00 pm and 7:30 as depicted in figure 7. The first time and earliest time displayed is 7:00 pm and the second time and latest time displayed is 7:30 pm. As the EPG is scrolled in 1/2 hr in chronological time, the new displayed time range is 7:30 pm to 8:00 pm, where 7:30 pm is the third time which is equal to the second time and 8:00 pm is the fourth time. Note that now 7:30 pm is the earliest time displayed and 8:00 pm is the latest time displayed. As a result, the Examiner respectfully submits that the combination of Schein and Lemmons teach the claimed limitation and that the Applicant's arguments are not persuasive.

Applicant argues that claim 1 patentably distinguishes over Schein et al in view of Lemmons et al by claiming selecting a second record in response to a third signal form the user interface, where the second record has a associated time and an associated channel, where the associated time of the second record is outside of the associated time range.

Further Applicant argues that the Examiner has failed to suggest any motivation for the modification of the primary reference Schein et al reference that discloses the invention claimed in claim 1.

The Examiner respectfully disagrees with Applicant's arguments. In the previous office action, the Examiner stated "it would have been obvious selecting the actual record by

generating a first signal, second signal etc. in the EPG of Schein would have provided a simpler means for advancing the EPG in chronological time to show panels and records with different time ranges and would have obviated the need for special icon 230 for advancing the EPG". The Examiner has clearly provided motivation for combining Lemmons with Schein, and as a result, the Applicant arguments are not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

IX. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young et al (5,353,121) - television schedule system

Bedard (5,801,747) - creating a television viewer profile

Lemmons et al (5,880,768) - interactive program guide

Any response to this action should be mailed to:

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The
examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS 2/20/03



VIVEK SRIVASTAVA
PATENT EXAMINER